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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SKY ZONE, LLC, a Nevada limited liability company,)	Case No. 2:10-cv-00567-JCM-PAL
)	
Plaintiff,)	
)	JOINT MOTION, STIPULATION, AND
vs.)	ORDER FOR
)	CONTINUATION OF TRIAL DATE
FLIP N OUT, LLC, a Nevada limited liability company, and DOES 1-20, inclusive,)	(First Request)
)	
Defendants.)	
)	
_____)	
AND RELATED CROSS-ACTIONS.)	
_____)	

**JOINT MOTION, STIPULATION, AND [PROPOSED] ORDER FOR CONTINUATION
OF TRIAL DATE**

1 Plaintiff/Counterdefendant Sky Zone, LLC ("Plaintiff"), and Defendant/
2 Counterclaimant, Flip N Out, LLC ("Defendant") (the "Parties"), by and through their counsel
3 of record, submit this Joint Motion and Stipulation (the "Stipulation") for continuance of the trial
4 date, currently set for September 28, 2015, with a calendar call date of September 23, 2015.
5 (Doc. 114, Scheduling Order at 24:4-5). Pursuant to the Court's Scheduling Order, the date of
6 trial "shall not be amended except by order of the Court pursuant to agreement of the parties or
7 to prevent manifest injustice." (*Id.* at 24:19-20.) Accordingly, this Stipulation requests a
8 amendment of the scheduling order by agreement of the parties and order of the Court.

9 The Stipulation is being submitted because Jacob A. Reynolds, who has been primary
10 counsel for Defendant throughout these proceedings, has left his partnership at the firm as of
11 April 20, 2015, and intends to only retain an "Of Counsel" position at the firm through the 2016
12 election cycle. In his new position, Mr. Reynolds will not be able to have an active role in this
13 litigation.

14 Attorney Michael Wall at Hutchison & Steffen will be taking over the representation for
15 Defendant, at the election of Defendant, and because Wall is the only other attorney at the firm
16 who has participated in the discovery phase of the case.

17 The purpose of the Stipulation is that Michael Wall already has a trial set starting in
18 September 2015, which is a firm trial setting, and will go from four to six weeks. The case is in
19 state court: *Damery v. McGrath, et al.*, Case No. A-10-620078-C, Dept. No. 10. The parties
20 already began trial once in the state court case, but due to a mistrial it is being retried beginning
21 in September. Accordingly this firm trial setting in state court will make Mr. Wall unavailable
22 for the current pretrial conferences, calendar, and trial dates. (*See* Doc 114, Scheduling Order.)

23 Accordingly, the parties request that the Court continue the trial in this case, including the
24 administrative dates, to the next available trial date after November 1, 2015.

25 The Parties do not seek to unduly delay the trial and for that reason are bringing this
26 matter to the Court's attention in good faith, several months in advance of the trial date, to allow
27 the Court greater discretion in setting the trial date **after November 1, 2015.**
28

The Parties expressly agree that the execution of this Stipulation shall not be deemed an admission or waiver of any rights belonging to any party hereto.

IT IS SO STIPULATED:

Dated: April 30, 2015

Dated: April 30, 2015

By: /s/ Matthew D. Francis
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/s/ Jacob A. Reynolds
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Attorneys for Defendant/Counterclaimant Flip
N Out, LLC.

Attorneys for Plaintiff/
Counterdefendant SkyZone, LLC

ACTION BY THE COURT

(a) This case is set down for Court/jury trial on the fixed/stacked calendar on [**a date after November 1, 2015**] November 2, 2015 at 9:00 a.m. Calendar call shall be held on October 28, 2015 at 1:30 p.m.

(b) An original and two (2) copies of each trial brief shall be submitted to the Clerk on or before October 28, 2015 at calendar.call.

(c) Jury trials:

1 (1) An original and two (2) copies of all instructions requested by either party
2 shall be submitted to the Clerk for filing on or before October 28, 2015 at calendar call.


3 (2) An original and two (2) copies of all suggested questions of the parties to
4 be asked of the jury panel by the Court on *voir dire* shall be submitted to the Clerk for filing on
5 or before October 28, 2015 at calendar call.

6 (d) Court trials:

7 Proposed findings of fact and conclusions of law shall be filed on or before
8 October 28, 2015 at calendar call.

9 The foregoing stipulation and order has been approved by the parties to this action as
10 evidenced by the signatures of their counsel hereon, and the order is hereby entered and will
11 govern the trial of this case. This order shall not be amended except by order of the Court
12 pursuant to agreement of the parties or to prevent manifest injustice.

13 Dated: May 1, 2015 —

14 
15 UNITED STATES DISTRICT JUDGE
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CERTIFICATE OF SERVICE

Pursuant to Fed. R. Civ. P. 5(b), I certify that I am an employee of Watson Rounds, and that on this date, April 30, 2015, a copy of the foregoing **JOINT MOTION, STIPULATION, AND [PROPOSED] ORDER FOR CONTINUATION OF TRIAL DATE** has been served upon counsel of record registered in this matter via the District of Nevada's ECF procedure.

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Attorneys for Plaintiff/
Counterdefendant SKY ZONE, LLC

Dated: April 30, 2015

By: /s/ Bobbie Benitez
An Employee of Hutchison & Steffen